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CLERK

UNITED STATES DISTRICT COURT 11/16/2018 1:49 pm  
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

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UNITED STATES OF AMERICA, : 15-CR-00242 (JFB)  
: 14-MJ-00852 (GRB)  
:  
v. : 100 Federal Plaza  
: Central Islip, New York  
:  
MICHAEL BELFIORE, : January 30, 2015  
:  
Defendant. :  
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TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE  
BEFORE THE HONORABLE GARY R. BROWN  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: LARA TREINIS GATZ, ESQ.  
United States Attorney's Office  
610 Federal Plaza  
Central Islip, New York 11722  
  
For the Defendant: MARC C. GANN, ESQ.  
Collins Gann McCloskey & Barry PLLC  
138 Mineola Boulevard  
Mineola, New York 11501

Court Transcriber: SHARI RIEMER, CET-805  
TypeWrite Word Processing Service  
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Saratoga Springs, New York 12866

Proceedings recorded by electronic sound recording, transcript  
produced by transcription service

1 (Proceedings began 3:49 p.m.)

2 THE CLERK: Calling 2014-MJ-00852, United States of  
3 America v. Michael Belfiore.

4 Counsel, state your appearances, please.

5 MS. GATZ: Good afternoon, Your Honor; Lara Treinis  
6 Gatz for the United States.

7 THE COURT: Good to see you, Ms. Gatz.

8 MR. GANN: Good afternoon, Your Honor; Marc Gann,  
9 G-A-N-N, for Dr. Belfiore.

10 THE COURT: Okay. And good to see you again.

11 And this is Dr. Belfiore?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: He's been before me, yes?

14 THE DEFENDANT: Yes.

15 THE COURT: For the same procedure? Was it we did a  
16 waiver before?

17 MR. GANN: No. I think the original -- I think it  
18 was the original arraignment, Judge.

19 THE COURT: Got it. Okay.

20 Ms. Gatz, what are we doing with this?

21 MS. GATZ: Your Honor, we are asking for  
22 approximately 60 days, 60-to-90 days an extension of time in  
23 this matter. As the Court is aware, the defendant is a  
24 medical doctor. The allegations are that he was  
25 prescribing -- he was writing prescriptions for controlled

1 substances for no legitimate medical purpose. We're trying --  
2 we're engaged in plea negotiations, and we are hopeful that we  
3 will be able to resolve the case between now and then. The  
4 defendant has a -- still a practice he is currently attempting  
5 to wind down and sell as -- before a guilty plea is entered in  
6 this matter. So for those reasons, the defendant is asking  
7 for more time, and we believe that it's in the interest of  
8 justice and the interest of the public to resolve this case  
9 without an indictment and by way of a plea, and this  
10 additional time will allow us to do that, Your Honor.

11 THE COURT: Mr. Gann, are we agreed?

12 MR. GANN: We are, Judge, yes.

13 THE COURT: All right. So Dr. Belfiore, let me  
14 explain to you that once they've brought charges the  
15 Government has limited amounts of time to bring a case first  
16 to a grand jury and if there's an indictment then to trial.  
17 We're at that earlier stage, right. So what you've done by  
18 signing this is agreed to extend the Government's time to  
19 present your case to a grand jury. Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And you're saying you're doing that in  
22 the hopes that discussions among counsel might resolve some or  
23 all the case. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. Well, your agreement is

1 helpful though not dispositive because I find that it is not  
2 only in your interest but in the public interest, which is the  
3 test, that -- to grant the exclusion given the reasonable  
4 likelihood that plea negotiations may resolve some or all the  
5 case.

6 Anything else we need to do while we're here today?

7 MS. GATZ: Nothing from the Government, Your Honor.

8 Thank you very much.

9 MR. GANN: No, thank you, Judge.

10 THE COURT: All right. Thank you. Very good.

11 MR. GANN: Thank you. Have a good day.

12 THE COURT: Very good.

13 (Proceedings concluded at 3:51 p.m.)

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1 I certify that the foregoing is a court transcript from  
2 an electronic sound recording of the proceedings in the above-  
3 entitled matter.

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7 Shari Riemer, CET-805

8 Dated: November 14, 2018  
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